



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

July 17, 2014

Mr. Patrick Kenney, Superintendent  
Cape Lookout National Seashore  
131 Charles Street  
Harkers Island, North Carolina 28531

Subject: Cape Lookout National Seashore Draft Off-road Vehicle Management  
Plan/Environmental Impact Statement (EIS), North Carolina; CEQ No.: 20140153

Dear Mr. Kenney:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject document and is commenting in accordance with Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The National Park Service (NPS) has prepared a draft Off-road Vehicle Management Plan/Environmental Impact Statement (DEIS) for the Cape Lookout National Seashore (CLNS) to address the next 15 to 20 years of ORV use along the approximate 56 miles of barrier islands in North Carolina.

The NPS has developed and evaluated 5 alternatives including the No Action alternative in the DEIS. Alternative A (the No Action alternative) was developed with consideration for the CLNS Interim Protected Species Management Plan/Environmental Assessment, Biological Opinion and Amended Biological Opinion and Finding of No Significant Impact. Alternative B includes the continued opportunities for Off-road Vehicle (ORV) use but would include a permit system and specific restrictions (e.g., Night driving). Alternative C would create new seasonal pedestrian-only areas and implement a permit system with a limited number of permits. Alternative D would create seasonal pedestrian areas and ORV-permits would be required. Alternative E would not provide or designate any ORV routes for recreational use, and therefore, would not allow for public ORV at CLNS. NPS has identified Alternative C as its preferred alternative.

The NPS preferred alternative will limit the number of ORV permits and keep ORV density to historic levels. Other restrictions for certain types of ORVs would be phased in after a 5-year grace period. Alternative C also provides for continued existing species management practices that are in effect for CLNS. The DEIS addresses potential climate change effects and periodic storm conditions that may affect ORV use and other required purposes of the CLNS, including other recreational uses, wildlife management and endangered species protection. Under Alternative C, the NPS has determined that the proposed action would result in a finding of may

affect/not likely to adversely affect for the Federally-protected Piping plover (*Charadrius melodus*).

The DEIS provides of an evaluation of cumulative impacts of the alternatives, including the preferred alternative, on resource management activities, education/public outreach, ORV and other recreational use, and permit requirements. Additionally, the NPS has also identified an adaptive management strategy for certain aspects of ORV use on CLNS that could improve the protection of Seabeach amaranth (*Amaranthus pumilus*), Piping plover and other protected species.

The DEIS includes an evaluation of demographics (2010 census tract data) and environmental justice statistics (2011 data) in the project study area and there does not appear to be any potential adverse or disproportionate impacts to environmental justice communities.

Under Alternative C, the NPS predicts that there would be long-term, unavoidable adverse impacts on CLNS wildlife, soundscapes/acoustic environment, and visitor use and experience, and seashore management and operations due to continued ORV use at designated areas and during designated times of the year. However, the management measures proposed on page 537 of the DEIS should help to minimize, avoid, or eliminate some of these long-term adverse impacts.

Based upon the review of the DEIS, EPA has rated Alternative C, the preferred alternative, as "LO", meaning that we lack [environmental] objections to the proposed management plan for ORV use at CLNS. Alternative C appears to represent a long-term, balanced approach to continuing the controlled use of ORVs through restrictions and permits with other Seashore uses, including the protection of endangered species and other wildlife. Should you have any questions concerning these comments, please feel free to contact Mr. Christopher A. Militscher of my staff at 404-562-9512 or at [Militscher.chris@epa.gov](mailto:Militscher.chris@epa.gov). Please provide the EPA with a copy of the Final EIS and Record of Decision (ROD) when they become available. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief  
NEPA Program Office